

CHAPTER NO. 969

HOUSE BILL NO. 2171

By Representatives Baird, Caldwell, Gunnels, Kerr, Dunn

Substituted for: Senate Bill No. 2773

By Senator McNally

AN ACT to amend Tennessee Code Annotated, Section 5-1-118, relative to county powers shared with municipalities.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 5-1-118, is amended by designating the existing language as subsection (a), and by adding the following language as new subsections to be designated as indicated:

(b) Nothing in this part shall be construed as granting counties the power to prohibit or regulate normal agricultural activities.

(c)(1) In addition to those powers granted to counties pursuant to subsection (a), any county having a population of not less than thirty-one thousand one hundred (31,100) nor more than thirty-one thousand four hundred (31,400), not less than thirty-five thousand seventy-five (35,075), nor more than thirty-five thousand two hundred (35,200); not less than sixty-eight thousand one hundred (68,100) nor more than sixty-eight thousand four hundred (68,400), or not less than eighty-five thousand eight hundred (85,800) nor more than eighty-six thousand one hundred (86,100), according to the 1990 Federal Census or any subsequent Federal Census, may, by adoption of a resolution by two-thirds (2/3) vote of their respective legislative bodies, exercise those powers granted to all or certain municipalities by Tennessee Code Annotated, Section 6-2-201, subdivisions (22) and (23), except as provided in subdivision (2) and subsection (b). The powers granted to counties in this subsection apply only within the unincorporated areas. Nothing in this act may be construed to allow any county to prohibit or in any way impede any municipality in exercising any power or authority the municipality may lawfully exercise.

(2) The powers granted by subdivisions (22) and (23) shall not apply to those activities, businesses, or uses of property and business occupations and practices which are subject to regulation pursuant to Tennessee Code Annotated, Title 57, Chapter 5; Title 57, Chapter 6; Title 59, Chapter 8; Title 60, Chapter 1; Title 68, Chapters 201 through 221; or Title 69, Chapters 3, 8, 11 and 12.

SECTION 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, then all provisions and applications of this act are declared to be invalid and void.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: June 10, 2000


JIMMY RAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 21st day of June 2000


DON CONQUIST, GOVERNOR